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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,)
15 Plaintiff,)
16 v.)
17 EUGENE YI,)
18 Defendant.)
19

No. CR 05-0395 CRB

REQUEST, STIPULATION AND ORDER

20 This matter is currently on the Court's calendar for August 30, 2006. Through counsel,
21 defendant Eugene Yi and the United States ask the Court to (a) vacate the August 30, 2006 date
22 based on the defendant's anticipated change-of-plea; (b) set a date of September 27, 2006, for the
23 change-of-plea; and (c) exclude time under the Speedy Trial Act, 18 U.S.C. § 3161 from August
24 30, 2006, to September 27, 2006.

25 1. The parties have an agreement in principle and are in the process of working out the
26 language of a plea agreement for approval. The parties require additional time to finalize the
27 documents.

28 2. The parties agree that the time between August 30, 2006 and September 27, 2006 should

be excluded from the Speedy Trial clock. Previously, the Court has declared this case complex. See 18 U.S.C. § 3161(h)(8)(B)(ii). Defense counsel needs time to review the materials with the defendant, and counsel for the government is out of district and thus unavailable for the first two weeks in September. These matters need a short amount of time to be resolved, and thus the parties agree that a continuance is necessary for the effective preparation of defense counsel, taking into account the exercise of due diligence, and based on continuity of counsel. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the ends of justice served by excluding the period from August 30, 2006 to September 27, 2006 outweigh the interest of the public and the defendant in a Speedy Trial. See id. § 3161(h)(8)(A).

STIPULATED:

8/29/06

/s/ PETER B. AXELROD

DATE

PETER B. AXELROD
LAUREL BEELER
Assistant United States Attorneys

8/29/06

/s/ MICHAEL HINCKLEY

DATE

MICHAEL HINCKLEY
Attorney for Eugene Yi

ORDER

For good cause shown, and for the reasons stated above, the Court (a) vacates the August 30, 2006, hearing date for defendant Eugene Yi based on the anticipated plea agreement, (b) sets the matter for change-of-plea on September 27, 2006, at 2:15 p.m., and (c) excludes times under the Speedy Trial Act, 18 U.S.C. § 3161, from August 30, 2006, to September 27, 2006. The Court finds that the failure to grant the requested exclusion would deny defense counsel reasonable time necessary for effective preparation taking into account the exercise of due diligence and continuity of counsel. Further, the Court finds the exclusion warranted on complexity grounds, under 18 U.S.C. § 3161(h)(8)(B)(ii). Thus, the Court finds that the ends of justice served by granting the requested exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The Court therefore

1 concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A),
2 (h)(8)(B)(ii) and (h)(8)(B)(iv).

3 IT IS SO ORDERED.

4
5 DATED: August 29, 2006

